



## Legislation Text

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**File #:** 001042, **Version:** 1

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001042  
SUBSTITUTE  
941960  
THE CHAIR

Substitute resolution amending a special privilege granted to Jewish Community Funeral Home Services, Inc., to place a covered walk at the north side of West Burleigh Street within the public right-of-way at the 5820 building entrance, to now also allow placement of two concrete filled steel posts near the curb on either side of the covered walk, in the 7<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Jewish Community Funeral Home Services, Inc., to place and maintain a covered walk at the north side of West Burleigh Street, encroaching into the public right-of-way abutting the premises at 5820 West Burleigh Street, to now also allow placement of two concrete filled steel posts near the curb on either side of the covered walk.

Whereas, Jewish Community Funeral Home Services, Inc. (JCFHS), was granted a special privilege under Common Council Resolution File Number 941960, adopted on April 25, 1995, to erect and maintain a covered walk within the public right-of-way at the West Burleigh Street entrance to the building located at 5820 West Burleigh Street; and

Whereas, JCFHS now wishes to have two concrete filled steel posts on the sidewalk near the curb adjacent to the vertical supports in order to protect the vertical supports of the covered walk; and

Whereas, Said covered walk and steel posts may only legally occupy the public right-of-way by the granting of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 941960 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Jewish Community Funeral Home Services, Inc., 5820 West Burleigh Street, Milwaukee, WI 53210, is hereby granted the following special privileges:

1. To keep and maintain a covered walk at the property known as 5820 West Burleigh Street. Said covered walk, 11 feet 8 inches in width, is centered approximately 280 feet west of the westline of North 58<sup>th</sup> Street and encroaches approximately 10 feet 9 inches into the 13-foot wide fully concrete paved sidewalk area on the north side of West Burleigh Street at the 5820 West Burleigh Street address. The covered walk is supported by the building and by two vertical supports near each corner closest to the curb along each side of the covered walk. Each vertical support nearest the curb is centered approximately 2 feet 3 inches from the curbline. There is an approximately 11-foot 8-inch wide opening between the vertical supports, which parallel the curb face. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below is 8 feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frame shall be designed and

supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination of covered walk shall be indicated upon the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

The grantee will be required to keep a "Loading Zone" or have a "No Parking" status adjacent to the covered walk as long as the covered walk occupies the public right-of-way.

Said covered walk shall be installed, maintained and used to the approval of the Departments of Public Works and Neighborhood Services.

2. To keep and maintain two 4-inch diameter concrete filled steel bollards, approximately 4 feet high adjacent to the vertical supports. The bollards are fastened to the concrete sidewalk by use of endplates with four bolts. The steel bollards are located in front of and adjacent to the vertical supports of the covered walk.

Said steel bollards shall be placed and maintained to the approval of the Departments of Public Works and Neighborhood Services;

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Jewish Community Funeral Home Services, Inc., shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee which has an initial amount of \$85.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works any curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special alteration and/or removal for such purposes.

5. Waive the right to contest in any manner the validity of Section 66.045 of the Wisconsin Statutes (1979), or the amount of the annual fixed fee, payable on or before July 1<sup>st</sup> of each year.

6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:vb

March 5, 2001